

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

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U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 8 2009 ★

X Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

BROOKLYN OFFICE

MEMORANDUM & ORDER

X

**MEMORANDUM & ORDER APPROVING CRT SET 11: 2 DENIALS UPON REQUESTS
FOR RECONSIDERATION AND 19 SUMMARY DENIALS TO APPEALS AS CERTIFIED
BY THE CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 30 OF THE
RULES GOVERNING THE CLAIMS RESOLUTION PROCESS**

KORMAN, J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 and December 14, 2006 Memoranda & Orders and in the Plan of Allocation and Distribution of Settlement Proceeds, the Claims Resolution Tribunal (the "CRT") is hereby requesting the Court's approval of two Certified Denials upon Requests for Reconsideration listed in Annex A to this Order and the Court's summary denial of 19 Appeals listed in Annex B to this Order.

Under Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), a Request for Reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants are to briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the Certified Award Denial.

At my direction, the CRT has analyzed the information provided in each of the Requests for Reconsideration listed in Annex A. The CRT has determined that the Claimants satisfied the

criteria set out in Article 30 of the Rules. Further, in each of these cases, at my direction, the CRT has reviewed the new information provided by the Claimant in his/her Request for Reconsideration, together with the information provided in the original claim, and compared it with that contained in the account records regarding the account owner. Based upon this review, the CRT has again concluded that the Claimant was not able to identify his or her relative as the account owner.

Article 30 of the Rules also specifies that an appeal must be based upon a plausible suggestion of error regarding the conclusions reached by the CRT in the Certified Denial. Any appeals submitted without a plausible suggestion of error shall be summarily denied.

At my direction, the CRT has analyzed the information provided in each of the Appeals listed in Annex B. Upon careful consideration, the CRT has concluded that none of the Appellants whose claims are listed in Annex B raised a plausible suggestion of error in the CRT's finding that his/her relative was not the same person identified in the bank's records as the account owner. Accordingly, the CRT recommends that these Appeals be summarily denied.

I have reviewed the CRT's analyses and I concur with the CRT's recommendations. Therefore, it is

ORDERED that the two Denials upon Requests for Reconsideration listed in Annex A are approved for release to the relevant Claimants, and

ORDERED that the 19 Appeals to the claims listed in Annex B shall be summarily denied and the relevant Appellants so informed.

It is further ordered that the CRT shall provide the Court with the name and address of every Claimant receiving a Denial Upon Request for Reconsideration and every Appellant whose appeal is herewith summarily denied, which information shall be filed with the Court under seal.

Dated: Brooklyn, New York
August 21, 2009

~~SO ORDERED:~~

s/Edward R. Korman

Edward R. Korman
United States District Judge